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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/758,407 | 01/15/2004 | Poppy Mussallem | POP-101 | 6093 |
| 7590 | 07/01/2004 | | EXAMINER KING, ANITA M | |
| Ray K. Shahani, Esq. ATTORNEY AT LAW Twin Oaks Office Plaza 477 Ninth Avenue, Suite 112 San Mateo, CA 94402-1854 | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |
| DATE MAILED: 07/01/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,407

Applicant(s)

MUSSALLEM ET AL.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/758,407, Stand-off for Supporting Art and Other Objects, filed on January 15, 2004.

Drawings

The drawings are objected to because the lead lines for reference numbers "96," "120," and "140" are incorrect, the lead lines should be arrowed lines not underlines, see MPEP 608.02; reference number "93" in Fig. 1A appears to be referring to the same element as reference number "94"; "???" in Fig. 2C should be deleted; and in Figs. 1C and 2C, reference number "148," the hole, is suspended on the page, i.e., it is not connected to any other element shown in the figures not is it labeled. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "150" has been used to designate both junction part and screw or nail. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figure 1A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "H," on page 14, line 5 and "V" page 14, line 15. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: on page 10, line 20, "hole148one" should be --hole 148 one--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,529,799 to Schaefer. Schaefer discloses a stand-off system for providing fixed, vertical orientation of artwork (70) or other objects parallel to a vertical surface (60), the system comprising: a bracket (40) having a portion (42) for coupling the bracket to the vertical surface and a vertical mounting plate portion (52), the mounting plate having a shaped opening (54) positioned along an upper edge surface of the mounting plate portion; a stem portion (20) having a mounting surface (22) for rigidly mounting the stem portion onto the artwork, the stem portion further comprising a body portion and flat head portion (28) separated by a shaped neck portion (@32), the head and neck portions defining a flange shaped to precisely register with the shaped opening and thereby maintain a predetermined orientation of the artwork or other objects; in which the opening along the upper edge surface of the mounting plate portion of the bracket is round and the shaped neck portion has a corresponding round shape; in which the bracket is formed of a plastic material; in which the stem portion is machined from a single piece of material; in which the stem portion is formed by injection molding; and wherein the portion for coupling the bracket to the vertical surface and the vertical mounting plate portion are connected by side plate portions (48).

In regards to claim 10, Schaefer inherently teaches the method for providing fixed, vertical orientation of artwork (70) parallel to a vertical surface (60), comprising the steps of: obtaining a bracket; obtaining a stem portion; coupling the bracket to the vertical surface; mounting the stem portion onto the artwork; and interconnecting the stem portion and the bracket by registering the flange with the shaped opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer. Schaefer discloses the claimed invention except for the limitations of the opening and the neck portion having a rectangular, square, or V shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the shapes of the opening and the neck portion to have been rectangular, square, or V shaped for the purpose of providing an aesthetically different appearance to the elements and since such modifications would have not produced any unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,031, 159 to Waller

U.S. Patent 3,298,655 to Palm

U.S. Patent 4,458,872 to Couch

U.S. Patent 5,112,022 to Cardas

U.S. Patent 5,398,906 to Aydelott

U.S. Patent 5,605,313 to Erickson et al.

U.S. Patent 6,186,466 to Baird et al.

U.S. Patent 6,241,210 to Brindisi


U.S. Patent 6,719,260 to Hart

Waller discloses a fixture mounting means and method for hanging a picture upon a wall. Palm discloses a picture and mirror hanging device. Couch discloses a two-member bracket assembly for mounting a frame to a surface. Cardas discloses a frame hanger. Aydelott discloses a device for marking a wall to indicate where to install a support element for hanging an article. Erickson et al. disclose a vertical surface object hanger. Baird et al. disclose a device for stabilizing the position of a frame hanging on a wall. Brindisi discloses a device for adjustably hanging an item on a vertical support surface. Hart discloses an apparatus for hanging frames.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

June 26, 2004